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C O N F I D E N T I A L SECTION 01 OF 03 JAKARTA 002112

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SUBJECT: INDONESIA-ET TRUTH/FRIENDSHIP COMMISSION FACES
HURDLES

REF: JAKARTA 1078 - REACTION TO CAVR REPORT

Classified By: POLITICAL OFFICER MARK D. CLARK, REASON 1.4 (B AND D).

SUMMARY

¶1. (C) Indonesia's senior bureaucrat responsible for human rights in a February 8 meeting described the Indonesia-East Timor Commission on Truth and Friendship (CTF) as "stagnant," due to East Timor's presentation of its human rights report to the UN, the shooting of three Indonesians on the East Timor border, and internal East Timorese politics. The official acknowledged the CTF suffered from lack of adequate staffing. Despite these problems, Indonesia remained committed to the CTF and is optimistic it could produce results. As new signs of movement, local media reported February 14 that President Yudhoyono and President Xanana Gusmao will meet February 17, and the CTF has scheduled its first field mission to East Timor. The Chairman of Indonesia's National Human Rights Commission, Abdul Hakim Garuda Nusantara, on February 9 offered us a frank and pessimistic assessment, questioning the CTF's plans and abilities, and doubting the GOI's commitment to accountability for East Timor. He described Indonesia's "persistent reluctance" to pursue military accountability and President Yudhoyono's cautious approach. With senior GOI officials, we continue to stress the importance of the CTF for addressing accountability, as we also work to link the CTF with Carter Center expertise. End Summary.

CONVEYING U.S. ATTENTION TO CTF

¶2. (C) We called on Hafid Abbas, Director General for Human Rights Protection, under the Law/Human Rights Ministry, on February 8 to discuss the CTF. Hafid is Indonesia's senior bureaucrat formally responsible for human rights policy and he acts as an advisor to the government on the CTF. We stressed with Hafid the importance the U.S. and the international community attaches to the Commission and the body's performance in helping to achieve accountability for the 1999 crimes in East Timor. We noted expectations that the CTF act in a transparent fashion, with public hearings and expert international involvement. We suggested that the work of the CTF was important enough to Indonesia that the GOI should insulate the CTF mission from the buffeting of day-to-day politics. We asked for Hafid's views on the CTF's

current status, when the international community might begin to see signs of the CTF's progress, and the eventual outcome of the CTF process.

CAVR CAUSES STIR

13. (C) Hafid described the CTF process as having been "stagnant" due to a number of developments in recent weeks. East Timor's Commission for Reception, Truth and Reconciliation (CAVR) report and its presentation to the United Nations had strained relations between Jakarta and Dili, as reflected in the cancellation of President Yudhoyono's meeting with his counterpart Xanana Gusmao (reftel). Allegations in the CAVR that Indonesia had employed chemical agents and poisoned water supplies in East Timor, and calls for blacklisting Indonesian citizens, attracted particular concern. Indonesia needed to examine the consequences of the CAVR within the UN, and in the UNSC in particular, before Jakarta could proceed with the Commission's work. Later, Hafid stated that it would be reasonable for the CAVR to stand as one reference point for the CTF. (Comment: The CAVR is noted in the CTF's terms of reference, and one Indonesian CTF member told us of the CAVR would constitute important input, reftel. End Comment.)

14. (C) The shooting of three Indonesians on the East Timor border had contributed to "political resistance" within Indonesia toward the work of the CTF, while fractious internal politics on the East Timor side also interfered with progress. While some intemperate GOI voices had discussed blocking fuel and other supplies headed to East Timor

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following the border shootings and the CAVR, Hafid said he had contributed to a briefing memo sent to Yudhoyono that urged a continued focus on building good relations with Dili.

15. (C) In addition to political factors, Hafid added that the CTF faced a practical constraint with a lack of adequate staff. The Indonesian CTF members had approached the Law/Human Rights Ministry for a loan of qualified staff, but those under Hafid's human rights office were already stretched thin by Aceh and other demands. (Comment: The Indonesian half of the CTF utilizes staff from the Indonesian Foreign Ministry. End Comment.)

CTF'S FUTURE ACTIVITIES

16. (C) Despite the lull, Hafid said he was nevertheless "optimistic" that the CTF eventually could carry out its tasks. He noted that the CTF should conduct "intensive investigations," which would involve site visits and take time. It should examine issues such as compensation for victims and memorials to the dead on both sides of the conflict, such as a monument in East Timor to fallen Indonesian soldiers. Hafid expected the CTF to examine and propose "amnesty" mechanisms for those found culpable of abuses. The CTF's "orientation is the future," and focused on building friendship between the countries.

SBY-Xanana to Meet Feb. 17, CTF Mission Back On

17. (SBU) As new signs of movement for the CTF, local media reported February 14 that President Yudhoyono and President Xanana Gusmao will meet February 17, with Foreign Minister Wirajuda describing this as a chance for Indonesia to listen to the information that East Timor has conveyed to the UNSC. In addition, CTF member Wisber Loeis reports that the CTF will go ahead with its first field mission to East Timor from February 19-26.

KOMNAS HAM CHAIRMAN CRITICAL

¶8. (C) On February 9, we spoke in confidence with Abdul Hakim Garuda Nusantara (protect), chairman of Indonesia's National Human Rights Commission (Komnas Ham - a legally-mandated, government-funded body, with a largely independent viewpoint). Komnas Ham's own extensive work on East Timor issues did not successfully translate into achieving within Indonesia effective accountability for the atrocities committed there. Not surprisingly, Abdul Hakim conveyed deep skepticism regarding the CTF's plans and abilities, and the GOI's commitment to achieving accountability through this mechanism. The Chairman explained that given Komnas Ham's report on East Timor, the work of the Special Crimes Unit (SCU), and the CAVR, there was no need for the CTF to conduct investigations or to "verify" these reports. In this light, he questioned why the CTF would invite retired General Wiranto to testify: "Wiranto's version is not the truth." He stated that, as reflected in the CTF terms of reference, the Commission's approach to accountability should be based on the legal frameworks of both Indonesia (represented by the Law on Truth and Reconciliation) and East Timor, which focused on individual rather than institutional responsibility for human rights violations. Abdul Hakim added that, usefully, the CTF could meet directly with victims to add to the Commission's credibility.

CTF MEMBERS LACK EXPERTISE

¶9. (C) While the CTF was co-chaired by a former Komnas Ham member (Benjamin Mangkoedilaga), and included a still active Komnas Ham commissioner (Achmad Ali), Indonesia's CTF members did not have the expertise to carry out human rights investigations or a firm understanding of the workings of truth and reconciliation efforts, nor did they have qualified support staff. Abdul Hakim commented that only one Indonesian CTF member, Ambassador Wisber Loeis, appeared to take his responsibilities seriously.

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FOREIGN MINISTRY INDIFFERENT

¶10. (C) The Foreign Ministry acted as the CTF's GOI counterpart and controlled the CTF's budget (as well as seconded personnel), the Komnas Ham Chairman explained. "Speaking frankly," he said Foreign Minister Wirajuda lacked interest in the substance of the CTF's work or in accountability, and only viewed the CTF as a political defense before the international community. Following international acceptance of the CTF, the Foreign Ministry saw that it had completed its task. There was no particular GOI commitment to a substantive end product. It remained uncertain if the CTF's work would result in a detailed report, or one that would be released publicly.

SBY REMAINS CAUTIOUS ON MILITARY ACCOUNTABILITY

¶11. (C) Speaking more broadly, Abdul Hakim commented that Indonesia's "persistent reluctance" to pursue accountability for past abuses by security forces remained a weakness in the country's otherwise advancing democracy. Based on his own discussions with President Yudhoyono, Abdul Hakim concluded that Yudhoyono was "moving cautiously" on military accountability, gauging opposition from the armed forces. At the same time, the President had a political interest in not disposing of human rights issues, and sought to use the latent threat of legal proceedings as a weapon against political opponents.

COMMENT

¶12. (C) The comments by Indonesia's human rights official and the Komnasham chairman reflect a CTF that after six months has not yet demonstrated much progress in "establishing the conclusive truth," in the words of the CTF's terms of reference, in regard to the 1999 crimes in East Timor. The CTF also remains very much subject to the political vagaries of the Indonesia-East Timor relationship. In meetings with senior officials, we continue to raise the importance of the CTF for addressing accountability, and we are engaged in linking the CTF with Carter Center expertise.

PASCOE